

OFFICIAL COPY

Fresno, California

March 9, 2004

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Jacob Colbert, St. Paul Christian Methodist Church, gave the invocation, and President Castillo led the Pledge of Allegiance to the Flag.

PRESENTATION OF PUBLIC RECOGNITION AWARD TO MARIO HERRERA - COUNCILMEMBER STERLING

Presented.

SPCA PET OF THE MONTH - ACTING PRESIDENT PEREA

The pet up for adoption, a 2-month old Chihuahua mix puppy, was showcased.

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APPROVE CITY COUNCIL MINUTES

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of February 24, 2004, approved as submitted.

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APPROVE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY (FRFFA) MINUTES

On motion of Member Duncan, seconded by President Castillo, duly carried, RESOLVED, the FRFFA minutes of February 24, 2004, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

CONGRATULATIONS TO COUNCILMEMBERS CALHOUN AND DUNCAN ON THEIR RE-ELECTION - PRESIDENT CASTILLO

President Castillo congratulated his colleagues on their re-election bid stating it was very well deserved and added he was not as fortunate, and stated there had been some very successful times on the Council and a lot of good in the community and that was a result of Council putting the public's interest first and foremost.

ALLEGATIONS OF THE FBI AND OF VIOLATIONS OF THE BROWN ACT - PRESIDENT CASTILLO

President Castillo requested City Attorney Montoy send a letter to the District Attorney's office similar to the one sent to the FBI asking that they expedite their investigations, stated too much good had been done in the community to have clouds like that hanging over the city, and added it would be good for the public to have a swift outcome, with Ms. Montoy stating she would do so.

NEWBORN GIRAFFE AT THE CHAFFEE ZOO - COUNCILMEMBER DAGES

Councilmember Dages stated everything needed to be done to make sure the new baby giraffe has every chance to make it and questioned if any city resources were available to help with medical needs. City Manager Hobbs stated the cost would depend on the amount of resources involved and advised he would get an assessment and advise. Councilmember Dages stated he had some funds available from his infrastructure budget and he would transfer them to the zoo if needed.

COMMENDATION/THANK YOU TO (1) GEORGEANNE WHITE OF THE MAYOR'S OFFICE FOR TAKING THE INITIATIVE ON THE MAYOR/CITY COUNCIL PHOTOGRAPHS IN THE FOYER, AND (2) SANITATION AND PARKS AND RECREATION STAFF FOR MEDIAN ISLAND CLEAN-UP THIS PAST WEEKEND - COUNCILMEMBER BOYAJIAN

Commendation made.

ELECTION-NIGHT DUI INCIDENT - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated election night was one of the nicest and one of the worst nights of his life, apologized to Council and city staff for his negative actions that night, and stated the Police Department acted very professionally and no special favors were provided, and again apologized and stated it would never happen again.

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APPROVE AGENDA:

(1) CHANGE IN EASTER WEEK COUNCIL MEETING, (2) CANCELLATION OF THE MARCH 23, 2004, COUNCIL MEETING; AND (3) MEETING WITH THE MADERA COUNTY BOARD OF SUPERVISORS - CITY CLERK KLISCH

City Clerk Klisch advised there was a switch of dates on the Council hearing schedule in that the Council meeting of April 6th was being cancelled instead of April 13th and clarified there would be a Council meeting on April 13th. So noted. Ms. Klisch also pointed out the March 23rd meeting was initially scheduled for vacation due to election dates and requested Council take action to either formalize that vacation date or hold a meeting; and advised the issue of meeting again with the Madera Supervisors came up and requested direction.

Councilmember Duncan stated there were no pressing issues and advised he would not be available on March 23rd and the following action was taken.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the City Council meeting of March 23, 2004, hereby cancelled, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

With Council consensus, Ms. Klisch was directed to schedule another meeting with the Madera County Board of Supervisors.

(11:15 A.M.) HEARING ON REZONE APPLICATION NO. R-03-67, AND ENVIRONMENTAL FINDINGS, FILED BY GERALD WEIL, PROPERTY LOCATED AT 7579 N. CEDAR AVENUE ON THE WEST SIDE OF N. CEDAR BETWEEN E. ALLUVIAL AND E. CROMWELL AVENUES I COUNCIL DISTRICT 6

-and-

(3:30 P.M.) APPROVE MEMORANDUM OF UNDERSTANDING (MOU) FOR GOVERNMENT CHANNEL AND STATUS REPORT ON CABLE FRANCHISE NEGOTIATIONS

Councilmember Duncan advised he would be recusing himself from the above proceedings as he owned property near 7579 N. Cedar and he had personal and trust investments in Comcast stock.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

Gloria Torrez stated separate discussion and action were needed on all consent items as they were not routine; relative to **Item 1-D** stated street lighting was needed at all bus stops; and relative to **Item 1-H** stated she hoped the funds for the project do not come out of the transit fund.

(1-A) RESOLUTION NO. 2004-70 - AUTHORIZING AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A LOCAL GOVERNMENT WASTE TIRE CLAN-UP GRANT, AND AUTHORIZING THE PLANNING AND DEVELOPMENT DIRECTOR TO SIGN ON BEHALF OF THE CITY

(1-B) RESOLUTION NO. 2004-71 - APPROVING THE FINAL MAP OF TRACT NO. 5170 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED NORTH OF E. KINGS CANYON ROAD AT THE N. ARMSTRONG AVENUE ALIGNMENT IN COUNCIL DISTRICT 5

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE DEED OF AVIGATION EASEMENT
2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN
3. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR SOLID WASTE SERVICES

(1-C) AWARD A CONTRACT TO TRON CONSTRUCTION, INC., OF FRESNO, FOR THE BASE BID IN THE AMOUNT OF \$1,647,000 TO PROVIDE ACOUSTICAL INSULATION TO 94 HOMES IN THE VICINITY OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT UNDER THE SMART NOISE COMPATIBILITY PROGRAM

Councilmember Calhoun reiterated his concern with only one bidder responding and the same bidders always being awarded contracts and encouraged staff to actively solicit bids in the future.

(1-D) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSION, TO UNION METAL CORPORATION OF CANTON, OHIO, IN THE AMOUNT OF \$359,658.49 FOR TRAFFIC SIGNAL POLES AND STREET LIGHT POLES

(1-E) RESOLUTION NO. 2004-72 - APPROVE APPLICATION FOR AND ACCEPTANCE OF GRANT AWARD FOR \$252,800 FROM THE STATE OFFICE OF EMERGENCY SERVICES (OES), THROUGH THE COUNTY OF FRESNO AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS

1. RESOLUTION NO. 2004-73 - 69TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$252,800 FROM THE OES TO THE FIRE DEPARTMENT TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT FOR HAZARDOUS MATERIALS (HAZMAT) INCIDENT RESPONSE

(1-F) ADOPT RESOLUTION OF INTENTION NO. 1033-D FOR THE VACATION OF PORTIONS OF WASHINGTON AVENUE, HOWARD STREET AND THE HOWARD-THESTA ALLEY, AND SETTING THE REQUIRED PUBLIC HEARING FOR APRIL 13, 2004, AT 10:00 A.M.

(1-G) APPROVE THE PURCHASE OF AN EASEMENT AND RIGHT OF WAY FOR WIDENING OF FIRST STREET FOR THE PROPOSED WIDENING PROJECT AT FIRST AND TULARE STREETS, IN THE AMOUNT OF \$4,750; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

(1-J) RESOLUTION NO. 2004-74 - 63RD AMENDMENT TO AAR 2003-09 APPROPRIATING \$200,000 RECEIVED FROM THE REDEVELOPMENT AGENCY (RDA) AND PLACED IN THE PUBLIC WORKS CONSTRUCTION MANAGEMENT SPECIAL REVENUE FUND TO FACILITATE DIRECT REIMBURSEMENT FOR EXPENDITURES RELATED TO RDA PROJECTS

(1-K) RESOLUTION NO. 2004-75 - 10TH AMENDMENT TO SALARY RES. 2003-213 REGARDING THE MAXIMUM HOURS OF ANNUAL LEAVE ACCUMULATION FOR NON-REPRESENTED MANAGEMENT EMPLOYEES, INCREASING THE MAXIMUM HOURS OF VACATION ACCRUAL FOR NON-REPRESENTED MANAGEMENT EMPLOYEES, AND OUTLINING SUPPLEMENTAL SICK LEAVE FOR NON-REPRESENTED MANAGEMENT EMPLOYEES IN LIEU OF A SALARY INCREASE DURING FY 2004

(1-M) BILL NO. B-19 - INTRODUCTION OF ORDINANCE BILL AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE ENFORCEMENT AND COST RECOVERY PROVISIONS OF THE MANAGEMENT OF REAL PROPERTY ORDINANCE

(1-N) BILL NO. B-20 - INTRODUCTION OF ORDINANCE BILL AMENDING THE FRESNO MUNICIPAL CODE RELATING TO REFERENCES TO THE GAMBLING CONTROL ACT UNDER THE CITY'S CARD ROOM ORDINANCE

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(2-A) RESOLUTION - APPOINTING COUNCIL MEMBER REPRESENTATIVES (3 PLUS 1 ALTERNATE) TO THE FRESNO CITY-COUNTY COMMUNITY AND CONVENTION CENTER AUTHORITY AND THE FRESNO CONVENTION CENTER IMPROVEMENT AUTHORITY

City Manager Hobbs advised there was no financing involved at this time and this was a housekeeping issue to keep officers of the authority in place for this calendar year. Councilmember Dages stated the staff report seemed to indicate staff was going to negotiate some sort of lease financing, with Mr. Hobbs stating that was not correct, he did not know why the staff report opened with that statement, and reiterated there was no financing pending. Treasury Accountant-Auditor Hardcastle clarified members needed to be appointed so the two authorities could be terminated as they were inactive and confirmed new lease financing was not involved.

Discussion ensued on the intent of the issue. Assistant City Manager Souza clarified Council was being asked to appoint members so that liens on city assets could be removed which would enable staff to look at future financing options each of which would come before Council before any activity takes place. Upon question of Councilmember Perea, Mr. Souza stated the current Authority could not be kept active as its term had expired. City Attorney Montoy confirmed this was a housekeeping action, advised the purposes of the two authorities had been completed and the law required that close out activities take place, and clarified appointments were being requested so the authorities could meet and engage in the necessary paperwork to close out the authorities. Mr. Hobbs stated the report was poorly written and he would get a report of clarification out to Council to assure Council in writing about the points staff just made.

Upon call, there was no motion to adopted the resolution and President Castillo stated he hoped staff would bring this housekeeping issue back again.

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(3-A) RESOLUTION NO. 2004-76 - ESTABLISHING A CODE OF CONDUCT FOR COUNCILMEMBERS

City Attorney Montoy stated this was the result of Council action taken September 16, 2003, advised the framework was set forth in the resolution recitals and gave an overview of them, and advised the resolution was self-executing and it was only as good as any group

of Council members makes it.

143-70

3/9/04

A motion and second was made to adopt the resolution.

Gloria Torrez stated Council needed to respect citizens and pay attention to them when they speak and explained, and stated it was wrong for Council members to make inappropriate comments and there needed to be consequences for Council.

Ms. Montoy responded to questions of Councilmember Boyajian relative to the meaning of self-executing, how the resolution would be enforced, and how violations would be handled. Acting President Perea thanked Councilmember Boyajian for initiating the matter and Ms. Montoy and her staff for their work, concurred the Code of Conduct would be good only if Council respects it, stated it was important for Council to decide if they were here to make Fresno a better place to live or play politics, and stated in his dealings with the League of California Cities the City Council was viewed negatively and had a stigma and he hoped Council would follow the code.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2004-76 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

(3-B) RESOLUTION NO. 2004-77 - PROVIDING CONTINUATION OF PAYMENT OF CITY'S PORTION OF HEALTH AND WELFARE PREMIUMS FOR EMPLOYEES WITH DEPENDENTS WHILE EMPLOYEES ARE SERVING IN ACTIVE DUTY IN OPERATION ENDURING FREEDOM - COUNCILMEMBERS DUNCAN AND DAGES

Briefly reviewed by Councilmember Dages who advised this would extend the payment of the premiums to April 2005, urged Council's support, and made a motion to adopt the resolution. Councilmember Duncan seconded the motion and stated the City needed to do all it could to minimize the impact on the employees serving their country and their families. President Castillo noted this was initiated 2½ years ago by past Councilmember Perea and thanked this Council for moving it forward **(2 - 0)**.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-77 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

(3-C) RESOLUTION NO. 2004-78 - ACCEPTING AN APPLICATION PROCESS AND SET OF CORNERSTONES FOR THE CTY'S COMMUNITY INVESTMENT GRANT PROGRAM (SOCIAL SERVICES FUNDING) FROM THE HUMAN RELATIONS COMMISSION - ACTING PRESIDENT PEREA AND COUNCILMEMBER STERLING, AS AMENDED

Councilmember Boyajian requested youth after-school and weekend activity programs be added along with services for disabled people in general and not just disabled seniors. Councilmember Duncan commended Acting President Perea and Councilmember Sterling on the issue, stated he felt the opportunity to align a potentially major funding program to directly support the Regional Jobs Initiative (RJI) was missed here, spoke briefly to the unemployment problem and to the need to get the hard-core unemployed people prepared and working, and stated he could not support the resolution without the program being aligned and more focused on the RJI. Councilmember Dages requested veterans be added as a cornerstone.

Councilmember Sterling commended Council Executive Analyst Sparks for all her work, clarified the disabled in general and the veterans were included and were not being eliminated in any way, and relative to the RJI stated the program was working hand-in-hand and partnering with the RJI and not against it, and noted funds were limited and clarified the intent was to leverage what little monies were available so that social service organizations are placed on an even playing field so they can become self-sufficient and receive their own funds through other grant writing programs. Acting President Perea stated as many cornerstones or categories as needed could be added

and clarified the important part of this item was establishing and putting in place a clear and defined process for the agencies and added he hoped this would take politics out of the funding. A motion and second was made to approve the resolution, as amended, adding veterans, the disabled in general, and youth activity programs.

143-71

3/9/04

President Castillo stated there was mention and concurrence at the workshop to tie in the RJI and he was surprised that was not included as part of the cornerstones. Acting President Perea stated they did try to address some of the social aspects of the RJI by job training for youth services, drug prevention programs and daycare for parents looking for work but stated if Council desired it could go further. President Castillo stated wanted the RJI addressed in more detail and suggested job training be included in senior and disabled services. Upon request for clarification, Acting President Perea stated the motion was to adopt the resolution as amended adding job training to each category, activity programs under youth services, and creating separate cornerstones for veterans and the disabled.

Discussion ensued on funding for veterans services and the action taken last year removing the Veterans Day Parade and the Legion of Valor Museum from social service funding and funding them automatically every year. Councilmember Dages clarified his intent was to fund veterans crisis programs, i.e., homeless/jobless, and stated he supported automatic funding for that also.

Councilmember Sterling clarified the process was changed to allow for accountability noting there were no benchmarks for checks and balances in the past, and also pointed out the name changed from Social Service Funding program to Community Investment Grant program. Executive Analyst Sparks added standards were put in place to agencies will know they are rated on a Council-approved point scale system which would de-politicize the funding amounts.

Councilmember Calhoun stated he would support the motion on the floor but he felt the additions were getting away from the intent to narrow the cornerstones/criteria down, with Acting President Perea clarifying the intent was to streamline the process and not to limit the number of agencies and Councilmember Sterling adding the process was made more stringent and the idea was to be more efficient in helping the Human Relations Commission determine funding.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-78 hereby adopted, *as amended*, adding job training to each category, adding activity programs under youth services, and creating separate cornerstones for veterans and the disabled, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Castillo
Noes	:	Duncan
Absent	:	None

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(9:45 A.M.) HEARING TO RECEIVE THE REPORT AND RECOMMENDATIONS OF THE CITY OF FRESNO'S BLUE RIBBON COMMISSION ON IMPROVEMENT OF HISTORIC PRESERVATION POLICIES, PROCEDURES AND PRACTICES RELATING TO HISTORIC PRESERVATION

Planning & Development Director Yovino thanked the Commission for all their hard work, dedication and expertise; gave a brief overview of the issue and stated there was merit to the recommendations; advised several of the recommendations had financial implications and requested staff be given 60 days to further review the recommendations, determine the costs, and allow the recommendations to be considered and pursued through the budget process, and introduced members of the Blue Ribbon Commission..

Speaking to/in support of the recommendations, and/or to other issues were: Roberta Dearing, Chair, BRC; Member John Moffat, Vice Chair Doug Vagim; Midge Barrett, Heritage Fresno, 560 E. Portland, who also submitted Heritage Fresno's written response to the report and staff analysis of the BRC's report, a copy of which is on file in the office of the City Clerk; Mabelle Selland, 1483 E. Portals, who read a statement into the record expressing some concerns and ideas for consideration; Barbara hunt, 2475 S. Walnut (**3 - 0**); and Marsha Simpson, 3035 E. Platt #B.

****Visiting students from Lincoln Elementary School were recognized and welcomed.**

Upon call, no one else wished to be heard and President Castillo closed the hearing.

The commission was thanked for all their work and Councilmembers Duncan and Boyajian presented questions, comments and/or

concerns relative to cost being the key issue, what a comprehensive historical survey was, how the policies, if adopted and implemented, would help address problem buildings such as the Bank of Italy, if there would be a surcharge on development fees, importance of knowing the cost of implementation, blighted buildings and need to be proactive in mitigating problem buildings, lack of action with the vacant building ordinance, need to make landlords responsible, and need to spend money to mitigate blighted areas instead of on surveys.

143-72

3/9/04

Councilmember Calhoun stated he was hearing negativity, he was in support of the issue, this was a start and he felt good would come out of this, spoke to the 60 days for a report back and expressed concern with pushing staff, and made a motion to direct staff to report back with additional information in 60 days as recommended. City Attorney Montoy stated she saw this as an opportunity to have staff review and develop a strategy for reconciling two objectives and competing interests in the general plan which were preserving historical resources and eliminate blight/create enhancing conditions and aesthetics in neighborhoods and downtown.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the Final Report from the Blue Ribbon Commission on Improvement of Historic Building Preservation Policies for the Redevelopment Agency and the City of Fresno identifying numerous recommendations pertaining to historic preservation policies, procedures and practices and their implementation hereby received, and staff directed to return within 60 days with additional information and recommendations with respect to the Blue Ribbon Commission's recommendations, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
noes : None
Absent : None

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(10:00 A.M. #1) HEARING ON REZONE APPLICATION NO. R-03-47, AND ENVIRONMENTAL FINDINGS, FILED BY HARBOUR & ASSOCIATES ON BEHALF OF PATRIOT HOMES AND MCKINLEY VENTURES, LLC, PROPERTY LOCATED ON THE SOUTH SIDE OF W. MCKINLEY BETWEEN N. CORNELIA AND N. POK AVENUES IN COUNCIL DISTRICT 1

1. CONSIDER AND ADOPT E.A. NO. R-5169, R-03-47, C-03-169, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-21 - ORDINANCE NO. 2004-19 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM FRESNO COUNTY R-R TO R-1/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Brock reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and expressed concerns.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

Ms. Brock responded to questions and comments of Councilmember Boyajian relative to whether the conditions outlined in the letter from Central Unified School District would be included/addressed, how far this project was from the previous development adjacent to McKinley School, developer contribution to traffic signals, meetings with Fresno County relative to a plan for the west area, need for a west area master plan, and need to coordinate this project with the development at Dakota and Cornelia Avenues.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Finding of Conformity with MEIR No. 10130 for the 2025 Fresno General Plan for E.A. No. R-5169, R-03-47, C-03-169, dated January 12, 2004, hereby approved, and the above entitled Bill No. B-21 rezoning the subject site adopted as Ordinance No. 2004-19, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : Boyajian
Absent : None

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(10:00 A.M. #2) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 63, FINAL TRACT MAP NO. 5173

1. RESOLUTION NO. 2004-79 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2004-80 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2004-81 - DECLARING ELECTION RESULTS

4. BILL NO. B-22 - ORDINANCE NO. 2004-20 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Castillo announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave a brief overview of the issue as contained in the staff report as submitted.

143-73

3/9/04

Barbara Hunt, 2475 S. Walnut, spoke to the future tax and questioned how the amount was known.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-79, 2004-80 and 2004-81 hereby adopted, and the above entitled Bill No. B-22 adopted as Ordinance No. 2004-20, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(10:05 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 64, FINAL TRACT MAP NO. 5148

1. RESOLUTION NO. 2004-82 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2004-83 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2004-84 - DECLARING ELECTION RESULTS

4. BILL NO. B-23 - ORDINANCE NO. 2004-21 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Castillo announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-82, 2004-83 and 2004-84 hereby adopted, and the above entitled Bill No. B-23 adopted as Ordinance No. 2004-21, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(10:10 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 65, FINAL TRACT MAP NO. 5127

1. RESOLUTION NO. 2004-85 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2004-86 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2004-87 - DECLARING ELECTION RESULTS

4. BILL NO. B-24 - ORDINANCE NO. 2004-22 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Castillo announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the need for development city-wide.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-85, 2004-86 and 2004-87 hereby adopted, and the above entitled Bill No. B-24 adopted as Ordinance No. 2004-22, by the following vote:

143-74

3/9/04

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:15 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 66, FINAL TRACT MAP NO. 5206
1. RESOLUTION NO. 2004-88 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. RESOLUTION NO. 2004-89 - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION NO. 2004-90 - DECLARING ELECTION RESULTS
4. BILL NO. B-25 - ORDINANCE NO. 2004-23 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Castillo announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-88, 2004-89 and 2004-90 hereby adopted, and the above entitled Bill No. B-25 adopted as Ordinance No. 2004-23, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-03-74 AND ENVIRONMENTAL FINDINGS, FILED BY MARIO VALMONTE, PROPERTY LOCATED ON THE EAST SIDE OF N. PEACH AVENUE BETWEEN E. NEVADA AND E. TULARE AVENUES IN COUNCIL DISTRICT 5
1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-74, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130
2. BILL NO. B-26 - ORDINANCE NO. 2004-24 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM R-A TO R-1

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner James reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

Upon question of Councilmember Dages, Ms. James stated the applicant was aware Peach Avenue would be widened in the future.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the Finding of Conformity with the Master EIR No. 10130 prepared for the 2025 Fresno General Plan for E.A. No. R-03-74/TPM 2003-34 issued on December 31, 2003, hereby approved, and the above entitled Bill No. B-26 rezoning the subject site adopted as Ordinance No. 2004-24, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

- - - -

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(10:30 A.M. #1) HEARING ON REZONE APPLICATION NO. R-03-75, AND ENVIRONMENTAL FINDINGS, FILED BY TIM HODGES, PROPERTY LOCATED ON THE NORTH SIDE OF E. WEBSTER BETWEEN N. FRESNO AND N. THESTA STREETS IN COUNCIL DISTRICT 7

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-75, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-27 - ORDINANCE NO. 2004-25 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FROM C-P TO R-2

President Castillo announced the time had arrived to consider the issue and opened the hearing. **(4 - 0)** Planner James reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were Applicant Tim Hodges who stated the project would be an asset, and Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Ms. James responded briefly to questions of Acting President Perea relative to noticing and if staff received any correspondence from area residents. Councilmember Perea stated he also did not receive and calls and made a motion to approve staff's recommendation. Councilmember Boyajian presented questions relative to what the cost of the homes would be and if he had constructed other homes in the inner city, with Mr. Hodges responding. Councilmember Boyajian thanked Mr. Hodges for developing in the inner-city.

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the Finding of Conformity with MEIR No. 10130 prepared for the 2025 Fresno General Plan for E.A. No. R-03-75 issued on December 31, 2003, hereby approved, and the above entitled Bill No. B-27 rezoning the subject site adopted as Ordinance No. 2004-25, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

- - - -

(10:30 A.M. #2) HEARING TO CONSIDER ADOPTION OF TEXT AMENDMENT NO. TA-03-01 AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE RELATING TO THE SIZE OF BOOKSTORES

1. BILL NO. B-13 - ORDINANCE NO. 2004-26 - TEXT AMENDMENT NO. TA-03-01 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE ADDING "BOOKSTORE, NOT TO EXCEED 2,000 SQUARE FEET OF FLOOR AREA" TO THE C-P ZONE DISTRICT SUBJECT TO A CONDITIONAL USE PERMIT (CUP)

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Stiglich reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental

document, a Categorical Exemption, prepared for this project hereby adopted, and the above entitled Bill No. B-13 approving Text Amendment No. TA-03-01 adopted as Ordinance No. 2004-26, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

- - - -

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3/9/04

(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-02-20, REZONE APPLICATION NO. R-02-34, AND ENVIRONMENTAL FINDINGS, FILED BY TEJINDER S. RANDHAWA AND TUSHAR M. PATEL, TWO ADJACENT VACANT PARCELS LOCATED ON THE NORTHWEST CORNER OF E. KINGS CANYON ROAD AND S. ADLER AVENUE BETWEEN S. PEACH AND S. WILLOW AVENUES IN COUNCIL DISTRICT 5

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-02-20/R-02-34/S-03-366
2. **RESOLUTION NO. 2004-91** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN
3. **BILL NO. B-28 - ORDINANCE NO. 2004-27** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PROPERTY FROM R-2 TO C-P FOR BOTH PARCELS

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Zuniga reviewed the issue as contained in the staff report as submitted and recommended approval.

Councilmembers Dages and Sterling commended the developers and spoke in strong support of the project, and Councilmember Sterling added Dr. Randhawa also practiced in her district, and spoke to a smaller-scale project planned by the Doctors for and to how the Doctors offered their services for free a lot of the time.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-02-20/R-34/S-03-366, dated January 12, 2004, hereby approved; the above entitled Resolution No. 2004-91 hereby adopted; and the above entitled Bill No. B-28 rezoning the subject site adopted as Ordinance No. 2004-27, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

- - - -

(11:00 A.M.) HEARING ON REZONE APPLICATION NO. R-03-48, AND ENVIRONMENTAL FINDINGS, FILED BY GRANVILLE HOMES AND KENNETH J. ELIA, ON BEHALF OF DOUGLAS POOCHIGIAN, PROPERTY LOCATED ON THE WEST SIDE OF S. FOWLER BETWEEN E. CHURCH AVENUE AND E. CALIFORNIA AVENUE ALIGNMENT IN COUNCIL DISTRICT 5

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-48/T-5228/C-03-250, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130
2. **BILL NO. B-29 - ORDINANCE NO. 2004-28** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. An unidentified Planning & Development staff member reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Jeff Roberts, 1396 W. Herndon, representing the applicant, who stated he concurred with staff's recommendation and all the conditions; Barbara Hunt, 2475 S. Walnut; Sharon Tilley, who lives across from the project and spoke to the proposed block wall and need for adequate landscaping to prevent graffiti; and Doris Halmyer, 1032 S. Armstrong, President, Sunnyside Property Owners Association, who requested the project be built with the same quality that is south of the golf course and that it be

compatible with existing homes. Planning Manager Haro and Mr. Roberts responded to comments and addressed the concerns expressed.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Dages stated he wanted traffic signals to go in as quickly as possible and spoke in support of the developer (Mr. Assemi), to his quality projects, and to how he works closely with area residents.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-03-048/T-5228/C-03-250 dated January 7, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 120130 hereby approved; and the above entitled Bill No. B-29 rezoning the subject site adopted as Ordinance No. 2004-28, by the following vote:

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Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : Boyajian
Absent : None

- - - -

(11:15 A.M.) HEARING ON REZONE APPLICATION NO. R-03-67, AND ENVIRONMENTAL FINDINGS, FILED BY GERALD WEIL, PROPERTY LOCATED AT 7579 N. CEDAR AVENUE ON THE WEST SIDE OF N. CEDAR BETWEEN E. ALLUVIAL AND E. CROMWELL AVENUES I COUNCIL DISTRICT 6

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-67, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-30 - ORDINANCE NO. 2004-29 - AMENDING THE OFFICIAL ZONE MAP TO MODIFY CERTAIN CONDITIONS OF ZONING THAT WERE PLACED ON THE PROPERTY THROUGH REZONE APPLICATION NO. R-91-21. THE ZONE DISTRICT WILL REMAIN R-P/UGM/cz

President Castillo announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan recused himself from the proceedings due to a conflict of interest and left the meeting at 11:21 a.m.

An unidentified Planning & Development staff member reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Applicant Gerald Weil, 647 W. Shaw, who requested approval; Barbara Hunt, 2475 S. Walnut, who expressed concerns; and Dennis (last name inaudible), E. Birch Avenue, Clovis, who questioned what the changes were with the property line and landscaping, with staff responding.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the environmental finding of Environment Assessment No. R-03-67, dated January 9, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 10130 hereby approved; and the above entitled Bill No. B-30 approving R-03-67 to modify certain conditions of zoning that were placed on the property in accordance with Rezone Application No. R-92-21 adopted as Ordinance No. 2004-29, and the R-P/UGM/cz zone district will remain with the proposed modified conditions as described in the staff report, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Castillo
Noes : None
Absent : None
Recused : Duncan

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RECESS - 11:27 A.M. - 11:36 A.M. All Councilmembers were present.

(11:30 A.M.) HEARING ON REZONE APPLICATION NO. R-03-63, AND ENVIRONMENTAL FINDINGS, FILED BY DAVID VALENZUELA, PROPERTY LOCATED ALONG THE NORTH SIDE OF THE W. HERNDON AVENUE FRONTAGE ROAD, EAST OF N. MAROA (380 W. HERNDON) IN COUNCIL DISTRICT 2

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-63, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-31 - ORDINANCE NO. 2004-30 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1/EA TO C-6/EA/cz

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Beedle reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: David Valenzuela, 562 W. Celeste, representing the property owner, who stated he concurred with staff's recommendation and conditions and thanked staff for expediting the process to accommodate a financing transaction; and Barbara Hunt 2475 S. Walnut, who spoke in support.

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Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Calhoun stated this was a tricky issue for a number of reasons and involved the community of Pinedale and explained, noted there were a number of conditions in place and he would make sure the conditions would be followed should any problems or concerns arise, and noted there was no opposition and stated the project would be a good addition to the area and made a motion to approve staff's recommendation

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding of E.A. No. R-03-63 issued on February 5, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 10130 hereby approved, and the above entitled Bill No. B-31 rezoning the subject site subject to conditions of zoning as recommended by the Pinedale Specific Plan Citizens Advisory Committee and noted in the staff report adopted as Ordinance No. 2004-30, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

- - - -

LUNCH RECESS - 11:42 A.M. - 2:03 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-H) RESOLUTION - 70TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$95,000 TO THE PHASE ONE DOWNTOWN BIKE LANES PROJECT ON DIVISADERO STREET BETWEEN MADDY DRIVE AND H STREET, AND ON H STREET FROM DIVISADERO STREET TO PALM AVENUE

Councilmember Dages stated he was again very concerned, frustrated and opposed to the front street parking that affected businesses would lose and elaborated, acknowledged the need for bike lanes but stated the City was being anti-consumer and to jeopardize businesses was wrong, and questioned the number of bicyclists that travel down "R" Street and if warrants were met. Assistant Design Services Manager Mozier responded and clarified at issue this date was front-end funding, Council would consider award of the contract at a later date, and advised there would be outreach to all those affected. Discussion continued with Mr. Mozier, Transportation Manager Benavides **(5 - 0)** and Public Works Director Ruiz responding to further questions and/or clarifying issues relative to the proposed project, funding, and the background of the issue including the work of the Bicycle Advisory Committee and their recommendations. Councilmember Dages stated staff was not going to find anyone on "R" Street that would support taking away street parking, stressed businesses pay fees and bike lanes should be added where parking is not at a premium, stated this was not being looked at from a business perspective, and urged Council to not approve the resolution stating the funds could be used somewhere else where businesses are not affected.

Speaking in support of staff's recommendation/bike lanes/benefits of bicycling, and/or to other related issues were: Nick Paladino, Advocacy Office, Fresno Cycling Club; Bruce Morris, 764 "P" Street; Kendall Simsarian, 1060 Fulton Mall; Dr. David Pepper, Chair, Air Pollution District; Gloria Torrez, who spoke to air pollution/health concerns and ability for some to speak on consent items; and Gene Richards, Fresno County Bicycle Coalition/Political Relations Committee Chair, 625 W. Lamona, who spoke to China's bicyclists and drivers.

Councilmember Calhoun spoke in support of the issue stating this was a good collaborative effort and process; stated to have a viable bicycle plan there was going to be some pain; reiterated how those affected by the Palm Avenue bike lane overcame their concerns and opposition; encouraged Council to move forward, stated the inconvenience of some was not reason to stop the bike plan, emphasized this was a safety issue and motorists and bicyclists needed to share the roads, and made a motion to approve staff's recommendation, which motion was seconded by Acting President Perea and acted upon after further lengthy discussion.

Councilmember Sterling advised she had a meeting with St. John's Church this past Friday on their plans which did not include the concept of bike lanes because they were unaware of the project, presented questions relative to time line to utilize the funds, why staff had not talked with businesses before bringing this issue forward, and need for committee members to be a part of the process and if members could go out and talk with those who will be affected if funds are allocated. Mr. Ruiz responded to questions and clarified this was the front-end

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of the proposed project -- not the tail end, discussions would take place, and nothing final was being done this date. Councilmember Sterling stated there was going to be a major problem with "R" Street, she would not support bike lanes on "R" Street, she was concerned citizens and the committee were not involved in the process, and stated the only way she would support this was if Council received a report from the committee stating every effort was made to do the right thing.

Councilmember Duncan stated this was not a request to lock in funding, emphasized there was a plan associated with the funds, stressed the district representative wasn't even informed of this project and he was very disappointed with the process, stated it was premature and unfair for Council to make a decision and then have meetings occur with those affected, noted St. John's had a plan that the Bicycle Committee and Council was not aware of and there was lack of communication, and urged Council to reject the item stating there were other areas where the funds could be used such where there was no controversy such as Peach Avenue and the repainting of Millbrook between Alluvial and Ness to add bike lanes.

Councilmember Boyajian spoke to the tremendous bike lane job staff did in his district about four years ago and presented questions relative to whether staff was at the stage where they would work with Councilmember Sterling to work issues out and conduct preliminary work and outreach, and if appropriating the funds this date would mitigate some of the issues and concerns expressed and determine if the project is even feasible, with **(6 - 0)** Assistant Public Works Director Elam responding affirmatively, stating the report was not that clear and clarifying the intent with the appropriation of the funds was to do all the preliminary work and conduct outreach with Phase One only and apologized to Council that staff's report did not state the preliminary work would be done. Councilmember Boyajian stated Council could not keep making exceptions and stated he would support the motion.

Councilmember Dages emphasized Phase One was a bike lane project and nowhere did it state it was a plan and things would be worked out; stated he was opposed and appalled with the issue as the motion was one thing and staff was telling Council something else, and reiterated his frustration and pointed out the streets were not wide enough for bike lanes. Councilmember Boyajian recommended the motion-maker just conform his motion to what staff stated and questioned what the "big deal" was. Acting President Perea stated Council approved a bike plan and implementation was now starting and thanked staff and the committee, stressed bike lanes were important for quality of life and spoke to how young people want to live, work and ride bikes downtown and this was an opportunity to send a message and give them hope that the City was moving in the first direction, and stated he supported the motion 100% and added Council needed to support implementation and stop paying lip service to the vision. Councilmember Sterling stated she was assured by her bicycle committee appointee--Mr. Richards--that he would work closely with her; clarified she was not opposed to bike lanes but she was surprised today; and recommended the matter be reconsidered/tabled and have committee members go out and speak to people about plans for downtown.

Councilmember Boyajian again questioned if the motion-maker would conform his motion to what staff stated, with Councilmember Calhoun stating he was comfortable with the motion as it. City Attorney Montoy noted the motion on the floor was exactly as what was on the agenda, stated the misunderstanding was with the term "project" and clarified from the discussion the term "project" included all the preliminary work as well as the implementation of the bike lanes in accordance with Council direction previously given when the plan was

adopted. President Castillo stated previous direction was also to allow committee, staff and Council input. Upon question of Councilmember Boyajian, Mr. Elam clarified there would be no bike lanes until Council approves them along with a level of funding and clarified that was staff's commitment to Council. City Manager Hobbs stated staff needed to be consistent in writing what they mean and apologized for the unclear report; requested Council not get personal or emotional and pointed out there was a policy difference here; noted this was the second or third time that staff-- in working with Council's bicycle group-- has come to Council with recommendations and has been roundly criticized; and suggested, if this was going to continue, that a work session be held with the bicycle group to talk through the bicycle plan in more detail and added staff may even need more instruction.

A motion of Councilmember Calhoun, seconded by Acting President Perea, to adopt the above resolution failed, *due to the need for five affirmative votes*, by the following vote:

Ayes : Boyajian, Calhoun, Perea, Castillo
Noes : Dages, Duncan, Sterling
Absent : None

(1-I) RESOLUTION NO. 2004-92 - AUTHORIZING THE CITY MANAGER AND PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN A CONTRIBUTION AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

Councilmember Dages questioned how the money for 180 east would and requested he be notified when negotiations with Caltrans occurs, with Assistant Design Services Manager Mozier responding.

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City Attorney Montoy stated Councilmember Dages was talking about a prospective project east of Chestnut and clarified at issue this date was something that already occurred west of Chestnut, the project was in, and the item before Council was to give the City money. A motion and second was made to adopt the resolution. Councilmember Boyajian recommended Councilmember Dages contact Acting President Perea as the Transportation Authority member relative to where the money will go when allocated.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-92 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

(1-L) RESOLUTION NO. 2004-93 - AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDING UNDER THE CALTRANS SAFETY ROUTES TO SCHOOLS PROGRAM, AND AUTHORIZING EXECUTION OF PROGRAM DOCUMENTS

Councilmember Dages questioned the status of Peach and Willow going to Elizabeth Terronez and Storey Elementary, with Transportation Manager Benavides explaining the scoring process. Councilmember Dages stated this was a safety issues as children were literally walking on the streets with Mr. Benavides concurring.

On motion of Councilmember Dages, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2004-93 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(2:00 P.M. #2) ACCEPT CITY OF FRESNO COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR 2003

Finance Director/Controller Quinto introduced Rod Lemond, the Audit Partner from McGladrey & Pullen, who was available to answer any questions, and staff members Karen Bradley and Margaret Bell who she stated were instrumental in their commitment and completion of the City's audit and financial statement, and gave an in-depth lengthy review of the CAFR, all as contained in the staff report as submitted.

Councilmember Calhoun commended staff on the report and spoke to and read into the record some e-mails he exchanged with Ms. Quinto on the issue of debt stating it was directly related to the budget. Upon Councilmember Calhoun's request, City Attorney Montoy commented on the memorandum she sent Council, and upon Councilmember Duncan's request, Ms. Quinto responded to Councilmember Calhoun's comments.

(7 - 0) On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the Comprehensive Annual Financial Report for the year ended June 30, 2003, and the related letter to management hereby accepted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(3:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed and convened in joint session with the Redevelopment Agency at the hour of 3:50 p.m.

APPROVE AGENCY MINUTES OF FEBRUARY 24, 2004

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the Agency minutes of February 24, 2004, approved as submitted.

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(“A”) CONSIDER APPROVAL OF THE ANNUAL REPORT OF THE REDEVELOPMENT AGENCY FOR FISCAL YEAR 2002-2003

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted, and Agency Executive Director Fitzpatrick spoke to and explained the debt position of the Redevelopment Agency. Councilmember Calhoun thanked Mr. Fitzpatrick for the explanation stating it was important for developers to know there were limitations on what the City/Agency could do, spoke briefly to the management letter, stated he was seeing a good working relationship between the Agency and the City, specifically with the Controller's Office, and questioned if there were any red flags or anything that Council needed to be aware of. Mr. Fitzpatrick stated there were only two issues to bring to Council's attention: (1) no bonding for at least the next two years against the downtown unless it is a very big, bankable project, and (2) how much the Agency's budget would be hit with ERAF, and explained. A motion and second was made to approve the annual report. Councilmember Sterling commended staff on the report and spoke to how her district has been positively been impacted.

Alicia Montgomery, Audit Manager, Macias Ginni, stated she also was seeing a substantial improvement in the relationship between the City and the Agency and stated it was a pleasure working with Agency staff.

Chair Boyajian stated he was seeing reality where there were once dreams, spoke to the success of the Housing Rehabilitation Program and the Golden State/Freeway 99 Corridor, and stated it was good to see the cooperation between the City and the RDA.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the Annual Report of the Redevelopment Agency for Fiscal Year 2002-2003 hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 4:07 p.m. and the City Council reconvened in regular session.

(3:00 P.M.) WORKSHOP REGARDING THE FRESNO CITY EMPLOYEES HEALTH & WELFARE TRUST

Personnel Director Gonzalez stated the informational workshop would be focused on how the plan works and how it is structured, and introduced Trust representatives Mike Moss, Phil Musson, and Jim Rhein, and Board Trustee Members.

Mr. Moss, Mr. Musson and Mr. Rhein gave a lengthy Power Point presentation which included the history of the Trust (including composition, voting structure and operation), role of a Third Party Administration (including plan operations, plan benefit structure and cost saving measures utilized), and role of the financial consultant (including projecting health costs and establishing rates, **(8 - 0)** projected health and welfare costs, history of financial status of trust fund, and history of benefit and plan changes. Ms. Gonzalez concluded the presentation stating the plan was working, it made sense, it was well managed, and it was operating in the black.

Mr. Rhein and Ms. Gonzales responded at length to questions of Councilmembers Duncan, Boyajian and President Castillo relative to whether the City had ever looked at/evaluated alternative methods of providing health care such as medical savings accounts, if investments were made with the reserves, who was responsible for investing in certain areas, if there were currently reserves, reasons for the past decrease in reserves, plan for higher costs projected, if contributions/strategies/increases are communicated to the labor unions, if the Trust gives direction to the City on the best avenues for investments, if partnering with other agencies (such as Fresno County) has been considered for cost savings, how a group who subsidizes another is reconciled, if employee contributions will rise again next year, if the Trust could develop some incentives for employee units to reduce the use of health benefits, employee contributions, when employee contributions are determined to be too much, and if cost savings would be realized if the City continued to pay an employee's contribution who opted out of the plan. There was no further discussion.

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(3:30 P.M.) APPROVE MEMORANDUM OF UNDERSTANDING (MOU) FOR GOVERNMENT CHANNEL AND STATUS REPORT ON CABLE FRANCHISE NEGOTIATIONS

Councilmember Duncan recused himself from the proceedings due to a potential conflict of interest and left the meeting at 5:05 p.m.

Cable Franchise Renewal Working Group Chair Tim Lynch reviewed the issue as contained in the staff report as submitted, and City Manager Hobbs clarified the "heavy duty" issue of franchise renewal was not before Council and at issue this date was a request for Council permission to engage in a joint enterprise with some other community institutions. Acting President Perea left the meeting at 5:09 p.m.

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Mr. Lynch and Deputy City Attorney Coyle responded to questions/comments of Councilmembers Calhoun and Boyajian relative to how this channel was found all of a sudden, why the City had not been utilizing it, if there would be a fiscal impact, who would oversee/be responsible for programming, a studio/where programs would be broadcast, if this agreement would have to be approved by Comcast, if money was an issue in accessing the channel, if this would be a provision in the upcoming contract, if staff would look at this in a long-range plan if approved, how organizations who back out will be dealt with, how soon the channel would be up and running, and this being a dry run for the upcoming contract.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the draft Memorandum of Understanding (MOU) between the City and public educational and public television organizations to facilitate the activation of the City's Government Channel under the current Franchise Agreement hereby approved in concept, and the City Manager authorized to execute the completed MOU subject to the City Attorney's prior approval as to form, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Castillo
Noes :	None
Absent :	Perea
Recused :	Duncan

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UNSCHEDULED ORAL COMMUNICATIONS:

CONCERN WITH LENGTH AND NUMBER OF WORKSHOPS - COUNCILMEMBER CALHOUN

Councilmember Calhoun noted the Health & Welfare workshop took over one hour and was scheduled for only half an hour, again expressed his concern with the number of upcoming workshops scheduled/lined up one after another and stated this was overkill, spoke briefly to the times allotted, and stated he felt it was inappropriate for Council to stay late for workshops noting other elected bodies do not do that. Before going into closed session City Clerk Klisch advised the March 16th workshop on Neighborhood Infrastructure Master Plan had been cancelled by staff.

ROLE OF COUNCIL ASSISTANT (ANALYST) - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated context was needed on the role of the Council Assistant and questioned what she was doing for this Council and why she could not give some assistance with the major budgets

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(2:15 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. LINDA TAYLOR V. CITY OF FRESNO, ET AL.
2. TERRY DAVIS V. CITY OF FRESNO, ET AL.

Council met in closed session in Room 2125 at the hour of 5:25 p.m. to consider the above issues and adjourned the meeting thereafter.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:35 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the ____16th____day of _____March_____, 2004.

_____/s/_____
Brad Castillo, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk